



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY

NELSON A. ROCKEFELLER
GOVERNOR

February 17, 1960

Dear Allen:

As you know, I am gravely concerned with my responsibility as Governor for the lives and safety of our people in the event of a possible nuclear attack against us. I have previously sent you copies of reports that have been made to me on the subject of fallout protection. A statement of my own conclusions and recommendations on this subject has now been put before the New York State Defense Council and a copy is enclosed with this letter.

I profoundly believe that if a program of the kind recommended is adopted in New York, we will be making a tremendous contribution to the preservation of peace, to the deterrence of war and to the actual survival of millions of individuals.

I would, as always, be very pleased to have your own comments and suggestions.

With best wishes,

Sincerely,

A handwritten signature in dark ink, appearing to read "Nelson A. Rockefeller".

Mr. Allen W. Dulles
Director, Central Intelligence Agency
2430 E Street, N. W.
Washington 25, D. C.

Enclosure

February 17, 1960

To The Members Of The State Defense Council:

As Americans we share a profound belief in the worth, the value and the dignity of each and every human being. This belief is at the heart of our religious teachings and our political philosophy. In the thrust of this belief lies the basic source of the morality and vitality of the western world.

The words "life, liberty and the pursuit of happiness" are more than words to us -- they are an essential part of the fabric of American life. Without life there can be no liberty. Without liberty there can be no dignity. Without dignity there can be no happiness.

The preservation of these values and the protection of the life and well being of each individual citizen of our State is a special responsibility which I bear as Governor.

The century in which we live poses many sharp challenges to these human values which we deeply cherish. And no challenge is more formidable than that raised by man's discovery of nuclear weapons.

The maintenance of peace, with freedom, must at all times be our absorbing concern. At the same time, we, as a society have a moral obligation to protect human life against any eventuality. In discharging this obligation we cannot ignore the grim new threat to the lives of our people posed by the possibility of nuclear attack against us.

As Governor I wish to put before you today my considered conclusions as to how we should discharge this moral obligation, which we share as Americans, to safeguard the life of every adult and child in our State in the event of a nuclear attack.

The Challenge

In facing up to our responsibilities four facts are both pertinent and plain:

First, the Soviet Union has the potential capacity, frequently boasted and adequately substantiated, to devastate the lives of our people in every corner of our State.

Second, the entire population of our State is now exposed, and vulnerable, to death and disability from any nuclear attack that might be launched against us.

Third, the means for protecting our population from the greatest danger -- radioactive fallout -- are known, are feasible and are well within the financial reach of our State and our people.

Fourth, without fallout protection, the strength, the vitality and the power of America and its free institutions could quickly become illusory.

As Governor, I have been gravely concerned with these realities of the century in which we live.

In January I advised the Legislature that my paramount responsibility for the safety of the men, women and children of this State cannot be discharged either by devout hopes, or by unprovable assumptions, that nuclear war will never be visited upon us. Indeed, our national strategy and our 41 billion dollar federal defense budget are based on the premise that nuclear

war can happen!

Only purposeful and constructive action, designed to protect the lives of each and every individual citizen, can discharge the fateful responsibility which elected officials have in the face of the dread possibilities.

As you know, shortly after I took office, I initiated a survey of the nature of the danger from radioactive fallout in the event of war and the possible measures to protect against it. This resulted, last July, in the Ruebhausen Report, which concluded that fallout protection was feasible and urged legislation making such protection mandatory for both existing and new structures.

In accordance with your action on this Report, I undertook both an intensive program designed to inform the public about fallout and a further more detailed study of the methods and costs of providing protection against it. Mr. Keith McHugh, Commissioner of Commerce, is Chairman of the State Interdepartmental Committee responsible for this second study.

The McHugh Report is now in your hands. It reaches what it calls "the overriding conclusion . . . that everyone in our State should have minimum protection against fallout." This report also contains a comprehensive plan to achieve such protection, including recommended legislation making such protection mandatory in both new and existing structures.

The conclusion and the recommendations of this searching Report cannot be lightly considered. We disregard them at our peril.

I have reviewed these matters with my fellow Governors on

the Governors Conference Special Committee on Civil Defense; together we have investigated the nature of the hazard and the necessity for fallout protection with the President of the United States and the leading civilian military members of his administration; I have also received the advice of experts both within and without our State.

Much as we recoil before the prospects of nuclear war, I am thoroughly convinced that:

- Radioactive fallout, in the event of war, threatens death or disability to every one of the 17 million people in our State;
- The people of our State do not now have the facilities necessary to protect themselves against such fallout;
- Fallout shelters offer the best single civilian defense measure for the protection of the greatest number of individual lives -- lives for which the State has responsibility;
- State initiative in assuring fallout protection is imperative if our people are to survive the first weeks after any possible nuclear attack upon us;
- Fallout protection can be secured by steps that are relatively simple and at a cost per person which is modest under codes and regulations by existing State and local agencies; and
- Fallout protection, to be effective, must be afforded to the entire population of the State: We could not long expect to endure either the threat or the actuality of a

nuclear attack against us if our citizens were half protected and half defenseless.

The conclusions I draw from these considerations affecting the safety and well being, in fact the very survival, of every person in the State are decisively reinforced by the fact that a system of fallout protection for all our people would fortify our nation's pursuit of peace and its efforts to deter war.

Let me be more precise.

Fallout protection is essential to our military defense.

In President Eisenhower's words to the Senate last August "our total defense is incomplete and meaningless without reliable and responsible home defense." And, less than a month ago, the Chairman of the Joint Chiefs of Staff assured the White House Conference on Fallout Protection that a fallout shelter program was "essential" both to our military defense and to our policy of seeking peace through deterrence of nuclear attack.

Fallout protection is essential to our negotiating strength.

At the same recent White House Conference, convened by President Eisenhower, the Secretary of State made it emphatically clear that there was a direct relation between a fallout shelter program and the successful conduct of foreign policy. He concluded with these urgent words:

" . . . measures which we can take to minimize the fallout danger will reinforce our country's defense posture, and thereby, its political and negotiating strength. It is my earnest hope that we can make prompt and substantial progress in this direction."

Fallout protection is essential to the deterrence of war.

Without fallout protection for all our people other nations, both

friendly and hostile, will have reason to doubt both our will and ability to resist aggression. If our population is exposed to annihilation, an aggressor might well be tempted to strike with nuclear weapons. An attack would be particularly tempting to a nation possessing, as does the Soviet Union, increasing nuclear protection for its own citizens. We must recognize that if, as now, our most priceless resource, our people, are exposed to destruction, then our nuclear retaliatory power, no matter how effective, would be little more than a hollow instrument of grim revenge. It is plain that, if, in the absence of fallout protection, the annihilation of our people is the price we must pay to use our retaliatory power, the existence of that power is not likely to deter aggression, conquest or tyranny in any part of the world.

Fallout protection is essential to withstand nuclear blackmail. We must heed the public warning of Allen Dulles, the Director of our Central Intelligence Agency, that:

" . . . The evidence is that the Soviets intend to use nuclear blackmail as a major weapon to promote their objectives -- namely to spread communism throughout the world.

"They showed this intent at the time of the Suez crisis when they threatened England and France with ballistic attacks. They used these tactics again, chiefly against Turkey, at the time of the Middle East crisis about a year ago.

"They will use the same threat against this country."

Without fallout protection for our people, it will take courage of heroic size to resist either nuclear blackmail or nibbling aggression.

The State's Responsibility

The health and safety of the individual citizen has always

been a vital area of State concern and State action. The need for State initiative is assuredly no less when the threat to life arises from the radioactive fallout of nuclear weapons than it is when the threat lies in the more familiar hazards of disease or fire or disorder -- all of which are the subject of State and local regulation, inspection and enforcement.

The hazards to life involved in nuclear war differ only in their magnitude from those we have successfully dealt with in the past. Building requirements, fire codes, police protection, the transportation of school children, housing standards -- all these and many other matters related to health and safety have been effectively handled for the public benefit by State and local regulation. The adaptations of these regulatory systems which may be needed to meet the new hazards of radioactive fallout must now, if we are to avoid multiplicity of regulation and administrative confusion, necessarily be handled by State and local initiative.

The National Plan, promulgated by the President, makes thoroughly clear the exceedingly local and personal nature of the fallout protection problem. It expressly states that each individual must be prepared to survive without any outside help for two weeks after a nuclear attack, that State and local governments should provide assistance in the third and fourth weeks, and that the federal government cannot be expected to help before the fifth week.

It is abundantly clear, therefore, that fallout protection is a state and local responsibility. Indeed it is exclusively so for the first four weeks after any nuclear attack that might be

made against us.

A Program

The evidence and the responsibility are clear. It is time for action.

As Chairman of the Council I recommend at this time for your approval that:

One: - the Legislature make fallout shelter construction mandatory in all places of residence and all business structures, subject to appropriate adjustments for hardship cases;

Two: - such a mandatory requirement becomes effective for
(a) new structures started after January 1, 1962, and
(b) existing structures on and after July 1, 1963;

Three: - the Legislature require minimum survival supplies and equipment to be maintained and available for the expected occupants of a shelter on and after the date on which the shelter itself becomes mandatory;

Four: - the minimum standards of shelter construction be so fixed that

(a) the home, and places of residence, will be the focal point for shelters and fallout protection;

(b) shelters in structures other than residences will accommodate those regular employees, students and others who cannot reasonably be expected to reach their homes within one hour after a nuclear attack; and

(c) an occupant of a shelter will receive no more than one one-hundredth of the radiation intensity prevailing

in the exposed area surrounding it;

Five: - city, town, and village authorities under general standards established by State civil defense authorities be made primarily responsible for the administration and enforcement of this fallout protection program;

Six: - the Legislature, as an incentive to shelter construction,

(a) authorize deduction (over a five-year period) of shelter construction costs from taxable income for New York State income tax purposes up to a maximum of \$100 per planned shelter occupant, and

(b) exclude for tax purposes shelter construction costs up to such a maximum, from local property assessments and from any applicable State taxes based on property values; and

Seven: - the preparation of a State program of low-interest rate loans to assist those who cannot otherwise bear the financial burden of shelter construction.

These are the basic elements of a program which I am convinced is imperative if we are not to abandon our responsibility for the worth and the dignity of each human life. By such a program, moreover, we will enable each individual to make a personal and constructive contribution to the preservation of peace, the deterrence of war, and the survival of our nation in the terrible event an aggressor should unleash nuclear weapons against us.

Elected officials are entrusted with the responsibility of

protecting the lives of all of their people. To fail to meet this responsibility with constructive action would break faith with the most solemn covenant of our democratic society.

In the face of lesser perils, we, as a people, have not hesitated to legislate requirements for vaccination against disease, insurance for motorists and workmen, sanitation facilities, decent working conditions for employees, construction to minimize the dangers from fire, protection against pollution of air and water, and so on. Surely, the greater nuclear danger must not find us wanting in either the necessary wisdom or courage to meet it.

The need for fallout protection is clear and urgent.

Such protection is both feasible and obtainable.

I urge a mandatory State program to secure it.

Nelson A. Rockefeller